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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,314	11/04/1999	PETER J. BLACK	PA000045	3810

23696 7590 07/16/2003

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/16/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/434,314

Applicant(s)

BLACK, PETER J.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 40 – 75** are rejected under 35 U.S.C. 102(b) as being anticipated by

Blakeney, II et al. (US Patent number 5,267,261).

Regarding **claim 40**, Blakeney discloses that a method for performing handoff in a communication system, the method comprising:

receiving, by a subscriber station (18 in Fig. 1), pilot signals and reverse link power control commands from one or more base stations (column 6, lines 6 – column 7, lines 33 and Fig. 1);

selecting a first base station, for transmission of forward link data to the subscriber station based, at least in part, on energy of the pilot signals received from the one or more base stations (column 7, lines 3 – column 8, lines 58 and Fig. 1, 5); and

selectively performing a handoff to the first base station based, at least in part, on whether signals transmitted by the subscriber station are received by the first base station with sufficient energy according to the reverse link power control commands received from the first base station (column 28, lines 3 – column 29, lines 53 and Fig. 1, 8, 9).

Regarding **claim 41**, Blakeney discloses that storing information corresponding to the reverse link power control commands received from the one or more base stations (Fig. 1, 4 and column 19, lines 13 – column 20, lines 60).

Regarding **claim 42**, Blakeney discloses that selectively performing the handoff comprises determining whether it is necessary to perform the handoff to the first base station (column 5, lines 22 – column 6, lines 48 and Fig. 1, 9);

if it is necessary to perform the handoff, determining whether the signals transmitted by the subscriber station are received by the first base station with sufficient energy based, at least in part, on history of the reverse link power control commands received from the first base station (column 28, lines 3 – column 29, lines 53 and Fig. 1, 8, 9); and

if the signals transmitted by the subscriber station are received by the first base station with sufficient energy, permitting the handoff to the first base station (column 5, lines 22 – column 6, lines 48 and Fig. 1, 9).

Regarding **claim 43**, Blakeney discloses that if the signals transmit by the subscriber station are not received by the first base station with sufficient energy, inhibiting the handoff to the first base station (column 3, lines 27 – column 4, lines 43 and Fig. 1, 8, 9).

Regarding **claim 44**, Blakeney discloses that selecting an alternative base station for transmission of forward link data to the subscriber station (column 3, lines 27 – column 4, lines 43, Fig. 1, 8, 9, and column 28, lines 3 – column 29, lines 53).

Regarding **claim 45**, Blakeney discloses that if it is not necessary to perform the handoff, determining whether a base station currently being used for transmission of forward link data to the subscriber station receives signals from the subscriber station with sufficient energy (column 3, lines 27 – column 4, lines 43, Fig. 1, 4, 9, and column 19, lines 13 – column 20, lines 60); and

if the base station currently being used does not receive signals from the subscriber station with sufficient energy, performing a handoff to an alternative base station (column 3, lines 27 – column 4, lines 43, Fig. 1, 8, 9, and column 28, lines 3 – column 29, lines 53).

Regarding **claim 46**, Blakeney discloses that selecting the alternative base station based on reverse link power control commands received from the alternative base station indicating that signals transmitted by the subscriber station are received by the alternative base station with sufficient energy (column 3, lines 27 – column 4, lines 43, Fig. 1, 4, 9, and column 19, lines 13 – column 20, lines 60).

Regarding **claim 47**, Blakeney discloses that transmitting, by the subscriber station, a message indicating identity of the first base station (column 6, lines 6 – column 7, lines 33 and Fig. 1, 8, 9).

Regarding **claim 48**, Blakeney discloses that the message further indicates a requested rate to transmit to the subscriber station (column 5, lines 22 – column 7, lines 2 Fig. 1, 9).

Regarding **claim 49**, Blakeney discloses all the limitation, as discussed in claim 40.

Regarding **claim 50**, Blakeney discloses all the limitation, as discussed in claims 40 and 41.

Regarding **claim 51**, Blakeney discloses all the limitation, as discussed in claims 40 and 42.

Regarding **claim 52**, Blakeney discloses all the limitation, as discussed in claims 40 and 42.

Regarding **claim 53**, Blakeney discloses all the limitation, as discussed in claims 40 and 43.

Regarding **claim 54**, Blakeney discloses all the limitation, as discussed in claims 40 and 44.

Regarding **claim 55**, Blakeney discloses all the limitation, as discussed in claims 40 and 45.

Regarding **claim 56**, Blakeney discloses all the limitation, as discussed in claims 40 and 46.

Regarding **claim 57**, Blakeney discloses all the limitation, as discussed in claims 40 and 47.

Regarding **claim 58**, Blakeney discloses all the limitation, as discussed in claims 40 and 48.

Regarding **claim 59**, Blakeney discloses all the limitation, as discussed in claim 40.

Regarding **claim 60**, Blakeney discloses all the limitation, as discussed in claims 40 and 41.

Regarding **claim 61**, Blakeney discloses all the limitation, as discussed in claims 40 and 42.

Regarding **claim 62**, Blakeney discloses all the limitation, as discussed in claims 40 and 42.

Regarding **claim 63**, Blakeney discloses all the limitation, as discussed in claims 40 and 43.

Regarding **claim 64**, Blakeney discloses all the limitation, as discussed in claims 40 and 44.

Regarding **claim 65**, Blakeney discloses all the limitation, as discussed in claims 40 and 45.

Regarding **claim 66**, Blakeney discloses all the limitation, as discussed in claims 40 and 46.

Regarding **claim 67**, Blakeney discloses all the limitation, as discussed in claims 40 and 47.

Regarding **claim 68**, Blakeney discloses all the limitation, as discussed in claims 40 and 48.

Regarding **claim 69**, Blakeney discloses all the limitation, as discussed in claim 40.

Regarding **claim 70**, Blakeney discloses all the limitation, as discussed in claims 40 and 41.

Regarding **claim 71**, Blakeney discloses all the limitation, as discussed in claims 40 and 42.

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Regarding **claim 72**, Blakeney discloses all the limitation, as discussed in claims 40 and 43.

Regarding **claim 73**, Blakeney discloses all the limitation, as discussed in claims 40 and 45.

Regarding **claim 74**, Blakeney discloses all the limitation, as discussed in claims 40 and 47.

Regarding **claim 75**, Blakeney discloses all the limitation, as discussed in claims 40 and 48.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tuutijarvi et al. (US Patent number 5,774,809) discloses Simplified Mobile Assisted Handoff of Signal Between Cells.

Tiedemann, Jr. et al. (US Patent number 5,940,761) discloses Performing Mobile Assisted Hard Handoff Between Communication Systems.

Chheda et al. (US Patent number 6,038,448) discloses Wireless Communication System Having Handoff Based Upon Relative Pilot Signal Strengths.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

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Or:


(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay
Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or
relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L
July 10, 2003

John J Lee


NAY MAUNG
PRIMARY EXAMINER

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.